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President: Mr. D'Escoto Brockmann ..... (Nicaragua)

The meeting was called to order at 10.15 a.m.

Agenda item 58

Report of the Human Rights Council (A/63/53 and Add.1)

The President (*spoke in Spanish*): In connection with this item, I would like to recall that the General Assembly, on the recommendation of the General Committee, decided at its 34th plenary meeting, on 30 October 2008, to consider agenda item 58 in plenary meeting and in the Third Committee.

Taking into account that decision, the Assembly will consider in plenary meeting the annual report of the Human Rights Council on its activities for the year.

Upon the conclusion of the debate in plenary on this item, the General Assembly will revert to this agenda item in the context of its consideration of the report of the Third Committee.

The Assembly will now start its consideration of the annual report of the Human Rights Council on its activities for the year.

The report of the Human Rights Council that is being presented to this sixty-third session of the General Assembly is a relevant document, particularly now, when we are celebrating the sixtieth anniversary of the Universal Declaration of Human Rights, which is the original source of the rights, freedoms and ethical and legal standards that compel us to recognize and respect the dignity, freedom and equality of all human beings, without discrimination of any nature, whether political, social, religious, ethnic or of any other type.

The Universal Declaration is today more relevant than ever. The active and motivating power of human rights compel us to fight together to eradicate the scourges afflicting today's society, such as the food, energy and financial crises, climate change, the degradation of Mother Earth, human trafficking, state terrorism and violence against women and children, among other global evils.

This report of the Council is entirely consonant with the Universal Declaration, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural rights, the Vienna Declaration and Programme of Action and other international human rights instruments that affirm that human rights are universal, indivisible, interdependent and progressive, and that they must be addressed in a fair and equitable manner on an equal basis, giving each one of them the same weight.

This report appears today before the highest authority in the United Nations and provides us with much empirical data but also, above all, with the transformative and dialectical force of human rights in solving the main problems that oppress our world today. The contents of the report are relevant and timely, as they rightly denounce the violations of human rights taking place in various parts of the world against various groups that are excluded and rendered invisible and whose humanity is denied. The document

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also proactively shows us the path to follow to prevent, put an end to and compensate for those human rights violations.

Significant topics such as the eradication of hunger and extreme poverty, access to water, the protection of native peoples, the elimination of all forms of modern slavery, including human trafficking and economic exploitation, the eradication of all types of discrimination, respect for human rights in efforts to combat terrorism and violations of the human rights of the Palestinian people, are among the topics that this Assembly will have to deal with in the coming years.

We must remain committed to institutionalizing the Human Rights Council as a forum that nourishes and enhances all the activities of the United Nations.

I now give the floor to the representative of Nigeria and President of the Human Rights Council.

Mr. Uhomoibhi (Nigeria): This past Friday, 31 October 2008, I had the distinct honour and privilege to present the report of the Human Rights Council to the Third Committee of the General Assembly. I come before the Assembly in plenary this morning to also apprise members on the activities of the Council, in accordance with resolution 60/251.

But permit me at the outset to say how very delighted I am, Sir, to see you in the presidency of the Assembly. I am pleased to reaffirm the support of the Human Rights Council to your leadership of the Assembly and to express our best wishes for your successful tenure.

Through you, Mr. President, I wish to thank the General Committee for the decision taken on the allocation of the agenda item to the Third Committee, as contained in document A/C.3/63/1/Add.1 of 30 October 2008, which resolved the modalities for the presentation of the annual report of the Council. It was indeed a reflection of the flexibility and cooperation of the membership that that step was achieved. I hope that the outcome will be built upon in the future.

My predecessors, His Excellency Mr. Luis Alfonso de Alba of Mexico and His Excellency Mr. Doru Romulus Costea of Romania, had presented the Human Rights Council's reports to the sixty-first and sixty-second sessions of the General Assembly respectively, covering the activities of the Council from June 2006 to June 2007. My current report covers the period of the second cycle of the Council, including the ninth session which took place from 8 to 24 September 2008.

It will be recalled that the decision of the General Assembly three years ago to establish the Council marked a significant development in United Nations efforts to place the promotion and protection of human rights on the front burner of global discourse. It reflected the commitment and resolve of Member States to revitalize the Organization's role in guaranteeing the enjoyment of human rights for all peoples. In a very particular sense, the decision to empower the Council to consider human rights situations in all countries through the mechanism of the Universal Periodic Review not only emphasized the principle of equality among all States, but also underscored the universality of all human rights.

Against that backdrop, during its second cycle, the Council continued the elaboration and conclusion of its institution-building process and addressed thematic and specific human rights situations around the world. The Council began to operationalize its new mechanisms and subsidiary bodies, such as the Universal Periodic Review, the Advisory Committee, the Social Forum, the Expert Mechanism on the Rights of Indigenous Peoples, the Forum on Minority Issues and the special procedures. The Council enhanced its engagement with various stakeholders, including from national institutions and representatives of civil society organizations.

Although the Human Rights Council is now in its third year of existence, it is still very much at an evolutionary stage. Consequently, the Council sometimes draws upon aspects of the strengths and achievements of its predecessor body, the Commission on Human Rights, while striving to avoid its shortcomings both at the levels of substance and methods of work.

Allow me now briefly to highlight some aspects of the activities of the Human Rights Council.

With regard to the review, rationalization and improvement of the mandates of special procedure, which is a key aspect of the institution-building text, during its sixth session in September and December 2007, the Council commenced the review, rationalization and improvement of special procedures mandates at both the thematic and country levels. In the review, rationalization and improvement process, some mandates were renewed, some were terminated and

new ones were created. In carrying out that process, the President of the Council availed himself of the mechanism of the Consultative Group to ensure greater participation by Council members in the decision-making process.

At its seventh session, in March 2007, the Council held a high-level segment during which dignitaries representing States members of the Council in attendance welcomed the accomplishments of the Council since its inception. Many identified the challenges that could be faced by the Council but expressed their belief that the institution marked a departure that should bode well for the future of human rights. Significantly, during the session, the Council adopted resolutions and decisions covering civil, political, economic, social and cultural rights, including on the prevention of genocide, in commemoration of the sixtieth anniversary of the Convention on the Prevention and Punishment of the Crime of Genocide.

At its eighth session, the Council adopted the optional protocol to the International Covenant on Economic, Social and Cultural Rights. That was truly significant, as it represented an effort to make civil and political rights equal with economic, social and cultural rights, all of which are interrelated, interdependent, indivisible and universal. That important international human rights instrument is before the General Assembly for adoption at the current session.

On the Universal Periodic Review, during the second cycle the Council began to implement the mechanism comprehensively. So far, 32 countries have been reviewed in a transparent and equal manner. The outcomes of the two sessions of the Working Group on the Universal Periodic Review, held in April and May 2008, were adopted during the eighth session in June 2008. At the recent session in September, some Member States that had already been reviewed voluntarily shared their experiences on the implementation of and follow-up to the recommendations contained in the outcomes of the review.

Also, at the ninth session, in September 2008, the Council received updates on the two regional preparatory meetings for the Durban Review Conference on Racism, Xenophobia and related Intolerance, scheduled to take place in Geneva in April 2009. The meetings were held in Brasilia and Abuja and produced framework documents as additional inputs for the review process.

In conformity with its mandate, the Council addressed serious human rights situations in various parts of the world. Accordingly, three special sessions were held during the reporting period — regarding the human rights situation in Myanmar, the human rights violations emanating from Israeli military attacks and incursions in the occupied Palestinian territory, particularly in the occupied Gaza Strip, and the negative impact of the worsening of the food crisis on the realization of the right to food for all. By holding, for the first time, a special session on the thematic issue on the right to food, the Council was able substantively to link its work with what is happening in the real world, which has adverse effects on the lives of millions of people.

Given that we live in a globalizing world where an event in one part has the potential to affect life in other parts, the Council found it necessary to remain vigilant and to be seized of all situations, namely, of growing inequality, continuing armed conflicts and other menaces, such as climate change and the food crisis. In dealing with those important issues, it is clear that Member States must continue to muster the necessary political will and commitment to overcome the challenges that the world currently faces, mainly in the human rights arena, if the Council is to fulfil expectations.

In that connection, it was therefore important that, at its ninth session, the Council adopted a decision on the holding of a commemorative session on the occasion of the sixtieth anniversary of the Universal Declaration of Human Rights. That historic event is scheduled to take place in Geneva on 12 December 2008. Beyond providing a fitting opportunity for commemorating the Universal Declaration on Human Rights, that event is also expected to afford member States an opportunity to reaffirm their faith in the core human rights values and principles.

In conclusion, in adopting resolution 60/251, establishing the Human Rights Council, three years ago, the General Assembly sought to build an institution that would make a real difference in the governance of human rights at the universal level. It is gratifying today that the Human Rights Council, as distinct from its preceding body, the Commission on Human Rights, has already carved out a niche for itself with regard to its methods of work. What needs to be done is to ensure that the decisions and resolutions adopted by the Council on the variety of issues placed

on its agenda are fully supported by the General Assembly in order to give concrete meaning and substance to the work of the Council. In that regard, the Council needs to be provided with adequate resources to carry out its work, as requested in the decision adopted by the Council at its ninth session entitled "Strengthening of the Human Rights Council", which is contained in the report.

All too often, most times without real justification, the Human Rights Council has been criticized on its methods and the outcome of its work. Let me appeal here for greater circumspection, objectivity and patience in assessing the work of the Council. Two years is hardly enough time to be overly critical of an institution that we strongly believe holds great promise as a universal human rights body.

I would like to reiterate my personal commitment to follow the path of my predecessors and to work closely with the Council's members to achieve the noble objectives enshrined in the United Nations Charter and the Universal Declaration of Human Rights. It is our collective responsibility, working with objectivity, candour and commitment, to ensure that the Council lives up to its name and to the standards expected of it. That is our duty. That is our expectation. That indeed is our vocation as Member States of the United Nations General Assembly.

Mr. Ripert (France) (*spoke in French*): I have the honour to speak on behalf of the European Union. The candidate countries Turkey, Croatia and the former Yugoslav Republic of Macedonia, the potential candidates and countries of Stabilization and Association Process Albania, Bosnia and Herzegovina, Montenegro and Serbia, as well as Ukraine, the Republic of Moldova and Armenia, associate themselves with this statement. A full version of my statement has been distributed, and I should just like to emphasize a few points.

I should like, first, to thank Ambassador Martin Ihoeghian Uhomoibhi for submitting the third annual report of the Human Rights Council (A/63/53) and to thank Ambassador Doru Costea, former President of the Council, who served for most of the period covered in this report.

Pursuant to the decision on United Nations reform taken by heads of State at Government during the 2005 World Summit, the General Assembly decided in 2006 to create the Human Rights Council to replace the former Commission on Human Rights. Our objective was to improve the United Nations human rights protection machinery in order to make it a mainstay of our Organization. We all know that peace, security, development and human rights complement one another, and are mutually reinforcing. It is through their joint promotion that we will strengthen collective well-being.

The Human Rights Council has been entrusted with a ambitious mandate: to ensure the promotion of human rights for all, to make recommendations on serious violations of these rights in order to put an end to them, and to guarantee that human rights are taken into account in all United Nations policies. The principles of universality, impartiality, objectivity and non-selectivity must guide the Council's work, which is based on cooperation and dialogue among States. We must stress those guiding principles in the Assembly as we review this report.

Since its establishment, the Human Rights Council has addressed many issues, on some occasions leading to major breakthroughs in human rights protection. That is how the draft Declaration on the Rights of Indigenous Peoples, the draft International Convention for the Protection of All Persons from Enforced Disappearance and, more recently, the draft optional protocol to the International Covenant on Economic, Social and Cultural Rights were drawn up.

Three special sessions were held over the past year. One dealt with the right to food and another with the situation in Burma, which is still cause for great concern. If the issue of human rights in the occupied Palestinian territories, which was previously addressed at a special session, must be debated in the Human Rights Council, its members must make sure that they reach balanced solutions.

The Human Rights Council's mechanisms must be consolidated through our shared commitment. In this regard, the special procedures are one of the Council's key tools. The serious human rights violations in some countries justifies maintaining these procedures. It must be reaffirmed that the primary objective of these special procedures is to promote expertise and to make recommendations. We call upon the Council to remain vigilant for particularly serious situations that deserve our full attention.

The Universal Periodic Review is an innovative mechanism that should also help improve the human

rights situation on the ground through dialogue and cooperation. Since its inception, 32 States were reviewed, seven of which are from the European Union. We commend the seriousness with which these 32 countries have granted this review.

Although some positive developments have been noted, many situations still deserve our full attention at the upcoming sessions. The European Union hopes that the 48 States that will submit themselves to the Universal Periodic Review will do so in good faith and with all the necessary rigour. The experience of the two previous sessions should allow us to improve the review. We must also ensure that the Council's recommendations and the pledges made by States under review are effectively implemented.

Due to the regularity of its meetings, the Human Rights Council has become a virtually permanent entity with an ambitious and challenging mandate. Its past action provides us a glimpse of its great future possibilities. However, in order to go from words to concrete action, we must ensure that the Human Rights Council and its institutions can run smoothly. We should all pledge to work towards that end.

The European Union calls for members of the United Nations to maintain close cooperation in the spirit of universality, impartiality, objectivity and non-selectivity. It is the heritage of the Universal Declaration of Human Rights, whose sixtieth anniversary we will celebrate soon and which must remain our common landmark. Similarly, the encouraging outcomes that we have already had within the Council will lead to real progress in the effective enjoyment of human rights for all around the globe.

Mr. Wenaweser (Liechtenstein): We thank Ambassador Uhomoibhi for his excellent presentation of the report of the Human Rights Council (A/63/53 and Add.1). Our thanks go also to Ambassador Doru Costea, who presided over the Council over much of the period covered in the report. We welcome this opportunity to discuss the report in this Assembly to which the Council is a subsidiary body — as we welcome the interactive exchange in which the President of the Council engaged with the Third Committee last Friday.

It is a pragmatic arrangement that is fully in accordance with the letter and spirit of resolution 60/251, through which the Assembly created the Council. We hope that this debate will contribute to the awareness of the work of the Human Rights Council here in New York and that our colleagues in Geneva can benefit from it in tackling the challenges ahead. We would also wish that the schedule of the General Assembly plenary can in the future be arranged in such a manner that this debate does not coincide with Third Committee meetings. We believe that a more energetic relationship between the General Assembly and the Council is desirable and that it should not necessarily be limited to the consideration of the report during the fall season.

The third report of the Council to the Assembly illustrates the steady progress that has been made in the area of institution-building. After the adoption of the relevant package of measures last year, the Council has now gone through the first round of Universal Periodic Review (UPR), an instrument that we hope will make an important contribution to the dialogue on human rights issues and the implementation of human rights standards worldwide. In this context, we look forward to our own presentation under the UPR on 5 December. While it is of course too early to offer a final view on the value of the UPR, there are a number of observations that we can already offer at this point. We certainly welcome the emphasis on the implementation of human rights standards in the framework of the UPR. That emphasis is both essential for addressing the implementation gap that still exists 60 years after the adoption of the Universal Declaration of Human Rights, and it is also in keeping with the mandate of the Council given to it by the Assembly.

The first experiences gathered also show additional potential. In particular, the relationship between the UPR and the treaty body processes needs to be addressed. UPR and the presentation before treaty bodies are of course very different in nature, both as far as their legal foundation is concerned and their application in practice. Nevertheless, they are the two essential mechanisms through which States present their human rights record, and we must therefore explore synergies between the two. The treaty body mechanisms can and should be strengthened through the UPR. In particular, the outcome of the UPR and the voluntary commitments of States should be fed into the treaty body processes and become part of the dialogue between States and the treaty bodies, insofar as they are relevant for the treaty under discussion, of course. That would make the two mechanisms mutually beneficial while preserving their distinct

characteristics. It would also be useful to get consolidated input from treaty bodies themselves on this question, such input resulting from the ongoing discussions in inter-Committee meetings.

The Council has almost concluded its complex and challenging review of the special procedures, as we have heard from the President of the Council. The results are generally satisfactory. While we support finalizing the tasks by reviewing one mandate that is still outstanding, we also believe that we must now shift our focus to the cooperation offered by States. State cooperation with the special procedures offers a lot of room for improvement and we expect those who serve as members of the Council to exercise leadership and set positive examples in that respect.

All States that are members of the Council have pledged to fully cooperate with it, and issuing a standing invitation to special procedures is one of the best ways of living up to that pledge in practice. We hope that the imminent conclusion of the review will lead a significant number of States — especially those that put their names forward for membership on the Council — to issue such invitations.

As a novel development during the reporting period, the Council has for the first time held a special session on a thematic issue. We strongly welcome that development and hope that the Council will continue to explore the potential of such ad hoc thematic meetings as the one held on the food crisis. We believe that such meetings could greatly contribute to the relevance of the work of the Council also outside of Geneva and put a renewed emphasis on its thematic work.

Mr. Maurer (Switzerland) (*spoke in French*): I thank the President of the Human Rights Council for having introduced the report on its activities (A/63/53). The Human Rights Council strengthens the universal system for the protection and promotion of human rights within the United Nations. That unique nature of the Council is reflected by the fact that its annual report is considered in plenary by the General Assembly.

I would like to share four main messages with the Assembly today. First, with the conclusion in June 2007 of the institutional consolidation of the Human Rights Council, the work of that organ gained in substance and the Council is now fully able to discharge its functions. The implementation of the universal periodic review as of April 2008 made it possible to consider human rights situations in 32 countries in a spirit of dialogue and cooperation. In most cases, it was thus possible to collectively identify ways and means of improving the human rights situations in our countries.

It is important to emphasize that the three reports that serve as the basis for the review are an excellent source of information about the country concerned. The commitment of State authorities at the highest level, as well as the participation of civil society, are indispensable components if we wish to realize the full potential of that new mechanism.

The determining factor for its success remains, however, the political will of the States under review to implement the recommendations arising from the review. Only after a complete review cycle will we be in a position to genuinely evaluate progress in the field, thanks to that new instrument. We also deem it important to take into consideration the contributions of that new mechanism to our work here in New York.

Secondly, over the past 18 months the Council has considered substantive matters and, thanks to its special sessions, responded rapidly to human rights situations throughout the world. In addition, for the first time the Council held a held a special session on a thematic issue: the right to food in the context of the current world food crisis. In its working methods, there is still a problem with the Council's ability to forecast its activities. That could perhaps be remedied by creating a programme of work for the coming year so as to distribute its workload over three annual sessions by grouping agenda items, so that each session does not have to consider every single item, as is done today.

Similarly, we must find a way to keep our Governments, the international and national media and other interested parties focused not only on the main session of the Council held in March, but also on the other sessions held throughout the year.

Thirdly, the support of the Office of the United Nations High Commissioner for Human Rights, in its capacity as the secretariat of the Council, is indispensable to the smooth operation of its work, and we warmly thank the High Commissioner.

We are aware of the fact that, with an organ that is nearly permanently in session, the intensity of the work and the relationship between the High

Commissioner for Human Rights and member States has increased considerably. Nevertheless, we wish to recall that the mandate of the High Commissioner for Human Rights was established in 1993 by the General Assembly and that its structure is part of the Secretariat. We strongly oppose any attempt to establish Council control over the activities, priorities and fieldwork of the High Commissioner. The Office of the High Commissioner must continue to enjoy the necessary autonomy to ensure the defence and promotion of all human rights throughout the world, as spelled out in its 1993 mandate.

Fourthly and finally, two and a half years after the creation of the Human Rights Council — and thus halfway to its status review by the General Assembly in 2011 — we note that we still have no clear notion of the attribution of competencies between the Council and the General Assembly's Third Committee. Switzerland is committed to the complementarity of the two organs through reinforcing cooperation and reducing overlapping.

The General Assembly, as a universal body, should serve essentially as a framework for general reference and play a programming role. The Human Rights Council has an operational part to play in the implementation of political commitments assumed by States in the light of their pertinent international legal obligations. The General Assembly could, for instance ask the Council to use its mechanisms to discuss a particular theme with respect to a human rights situation, and then to report on operational follow-up.

The Council could also propose to the General Assembly that it discuss a particular topic, and the Assembly could decide either to send it back to the Council to be discussed and followed up at the operational level, or to address the matter itself at the universal level, given its importance or its basic nature. Ultimately, by establishing a dynamic and positive interrelationship between the Council and the Third Committee, both will be strengthened in their respective roles and not through a rigid separation of competencies.

In conclusion, the Council has moved ahead by consolidating its institutional framework and strengthening human rights through dialogue. It is on the right path towards a credible and efficient international system of protection.

The Human Rights Council is still a young organ and it is normal that some adjustments may be necessary. That requires all of us, however, to give it our unswerving commitment in New York and in Geneva. Switzerland can be relied on to serve as one of the engines of the Council's progress.

Mr. Khazaee (Islamic Republic of Iran): At the outset, I would like to extend my appreciation to the President of the Human Rights Council for his comprehensive report to the General Assembly today. We commend the completion by the Council of the process of institution-building and reviewing and establishing the mechanism and its subsidiary bodies that enable it to enter the implementation phase of its programmes and mandates, as stipulated in resolution 60/251. Creation of new mandates focusing on economic, social and cultural rights, and holding of panel discussions on a number of important subjects, are worthy achievements of the Council in its new era.

The establishment of the Human Rights Council, based on the valuable experiences and lessons learned from the strengths and shortcomings of the Commission on Human Rights, provided us with new hope and the necessary motivation to consider human rights issues that must be addressed if we are to find sound, decent solutions to the challenges that confront us. The Human Rights Council must be the focal point of reliance, hope and participation for all peoples and Governments in addressing global human rights challenges. As a forum for dialogue, understanding and cooperation in which to achieve the universal realization of human rights, it must be devoid of politicization.

We maintain that the reform of the United Nations in the field of human rights will not bear fruit unless partiality, selectivity and double standards are dealt with promptly and vigorously. Furthermore, there is a need to approach human rights issues in a comprehensive, cooperative and constructive manner. Manipulation and abuse of the United Nations human rights mechanisms and machineries have, unfortunately, become a prevalent tradition and exercise by certain countries and should no longer be tolerated, primarily because of their destructive impact on the credibility, efficiency and legitimacy of these mechanisms and machineries.

In that respect, the mechanism of the Universal Periodic Review constitutes a breakthrough in United

Nations intergovernmental human rights activities. The merit of this mechanism is that it ensures universality, objectivity, non-selectivity and impartiality in the work of the United Nations human rights machinery. The actual performance of the mechanism in a logical context should allow the human rights machinery to act beyond political interests. We appreciate the degree of transparency and the constructive examination of situations under the Universal Periodic Review during the discussion of the challenges that lie ahead, given that, in any State, there is always room for improvement.

My delegation is of the opinion that, as the Third Committee's prerogative, it is necessary and timely to pay greater attention to its designated work and mandate and to those of the Human Rights Council. In principle, the Third Committee should focus primarily on policy-oriented deliberations and discussions in order to provide strategic policy recommendations to the General Assembly that will, in turn, guide the international community, in particular the Human Rights Council, in further enhancing the promotion and protection of all human rights. In that context, the consideration of country-specific situation proposals categorically falls within the purview of the Human Rights Council and its pertinent mechanism.

The Human Rights Council is the competent specialized United Nations organ responsible for considering human rights situations in all countries. In a logical context, the unhindered and smooth functioning of the mechanisms of the Human Rights Council, in particular the Universal Periodic Review, would enable the human rights machinery to function with impartiality, prudence and consistency. The overwhelming majority of the Member States believe that the ongoing selective presentation of country-specific human rights resolutions in the General Assembly runs counter to the mandate of Human Rights Council and undermines its competence and authority.

In conclusion, I would like to reiterate that, at this crucial juncture, in which we are facing real human rights challenges in many parts of the world, the Human Rights Council should rely on the principles of objectivity, cooperation, transparency and consensus, and should, in discharge of its historic mandate, undertake to rectify the past shortcomings of the United Nations human rights machinery. Accordingly, we are determined to continue our constructive cooperation with the Council in favour of the promotion and protection of human right all over the world.

Mr. Costea (Romania) (*spoke in French*): Allow me to convey my gratitude to Ambassador Martin Uhomoibhi for his work as President of the Human Rights Council. It falls to him to lead the Council during a period in which we will have to show that the institutionalization of the Council and its functioning in what we could call a normal mode will not mean a return to the routine of the past. That is one of the challenges I will address later in my statement. We wish him every possible success in his work and assure him of our full cooperation. Believe me, he will need it. I have been in his shoes and I know exactly what I am referring to.

Romania associates itself with the statement made by the Ambassador of France on behalf of the European Union. However, I should like to make a few additional comments on the results of the Council's work, the atmosphere surrounding that work during the most recent cycle and the challenges that the Council, and especially the Member States, will have to face in the coming months.

(*spoke in Arabic*)

Two and a half years ago, the establishment of the Council was decided in this very Hall. It is good to see the annual report of the Council addressed again in the plenary of the General Assembly, proving that we are indeed on the right track in giving human rights issues the priority they deserve alongside the peace, security and cooperation issues that form the three pillars of the work of the United Nations. We echo statements made at the thirty-second meeting of the Third Committee last Friday and encourage Member States to continue consideration of future annual reports of the Human Rights Council in the plenary of the General Assembly.

(*spoke in English*)

The results of the work that was done during the second cycle of the Council are known and there is little need to recapitulate them. Some aspects are worth highlighting, however.

First, the institution-building process was completed and decisions were taken concerning important and highly-sensitive issues, such as the actual functioning of the Universal Periodic Review; the review, rationalization and improvement of the

special procedures mandates; and the nomination of the mandate holders. Those three mechanisms are innovations in the landscape of the United Nations human rights machinery, and we all know only too well what it takes when change is needed and eagerly expected in multilateral organizations.

The Council expanded the use of tools that had been in place for some time now. For the first time, a special session was convened on a thematic issue. Likewise, panel discussions became part of the operative paragraphs of various resolutions. Some procedural issues were clarified, and others — such as interactive dialogue with special procedures mandate-holders and the participation of non-governmental organizations in the work of the Council — have now acquired the status of standard practices.

Secondly, the overall attitude of Council members and observers alike was focused largely on a pragmatic and solution-oriented approach to action, in particular when the completion of the institution-building process was at stake. Cross-regional dialogue and a certain readiness to try out-of-the-box options were keys in that respect. Much work is still needed with a view to increasing resistance to the temptation to politicize debate and expanding the cooperative approach to substantive issues.

Some encouraging developments may be found in relation to the Universal Periodic Review. The 32 countries that took part in the exercise also took it seriously. More than once, it was said that the Review's effects could be seen on the ground even before the Review itself had come to a conclusion. That was possible as a result of the preparations of various countries for the process. Likewise, most of the recommendations were accepted by the States under review. That is indeed an important step forward, since it implies a formal commitment to acting with a view to implementing those recommendations.

Thirdly, several challenges are facing the Council. One of them is ensuring the Council's credibility. Human rights are not mere abstractions, and Eleanor Roosevelt's often-quoted wise words remind us of that elementary fact. It follows that gross and systematic violations of human rights must not be ignored by the Council and that no attempt to bring them before the Council be seen as a sign of selectivity.

Another challenge is ensuring the effectiveness of Council action. That requires, among other things, focused debates and decisions, resolutions that include concrete and measurable steps, and follow-up to resolutions and commitments. Assessing the implementation of the Council's own decisions must become a regular practice; at the same time, new mechanisms need to be insulated from attempts to change them immediately after their adoption.

Last but not least, I should like to discuss what, at the beginning of this statement, I called the routine of the past. The Human Rights Council replaced the Commission on Human Rights, and what we need to do now, more than ever, is replace the Commission's mindset with a new approach. As it develops its routine, the Council, as well as its observers, must avoid slipping back into the old routine. The memory of the Commission's faults is still very present, and so too is the shadow of the caterpillar that refused the lipstick yet still wanted to become a butterfly.

Mr. Tarragô (Brazil): At the outset, I would like to thank Ambassador Martin Uhomoibhi for presenting the report of the Human Rights Council (A/63/53) and to express my delegation's appreciation for the diligent and inclusive manner in which he conducted the work of the Council at its ninth session.

Having completed the initial phase of reorganization in a new configuration, the Council is in the process of consolidating its central role within the United Nations system in the promotion and protection of human rights. The Council's report contains information regarding the extensive debates held on the various and urgent issues on its agenda. It also reflects the significant contributions made by Member States, as well as by representatives of international organizations and civil society.

The Brazilian delegation has endeavoured to participate actively in the work of the Human Rights Council. We initiated the draft resolution on human rights voluntary goals, which was adopted by consensus. That initiative, sponsored by 24 countries in all regions of the world, seeks to strengthen existing instruments in that area. It provides predictability and a concrete framework for the achievement of human rights goals. It is our intention to launch the human rights voluntary goals during the commemoration of the sixtieth anniversary of the Universal Declaration of Human Rights to be held in Geneva on 12 December.

The establishment of the Human Rights Council reflects the agreed objective, set out in the 2005 World Summit Outcome, of reinforcing multilateral instruments and means to promote and protect human rights, which, alongside development and peace and security, is one of the pillars of the United Nations. In fulfilling the commitment undertaken by our leaders in 2005, we should maintain the current momentum and continue to pursue an invigorated Council.

Experience has shown that we — developing and developed countries alike — have to cope with particular difficulties and sensibilities when it comes to human rights. We should recognize those difficulties and sensibilities and strive to address them in a constructive and cooperative spirit. We should avoid finger-pointing and levelling accusations simply to obtain political gain. Such practices do not promote human rights, but instead protect vested interests.

Rather than repeating accusations from loudspeakers, we should make more use of negotiations as a way to bring opposing views closer together. We firmly believe that cooperation, rather than confrontation, is the best means to achieve the desired goal, which should always be to ensure the promotion and protection of human rights. Dialogue and cooperation should guide us towards that goal. There should be no non-negotiable issues on the agenda of the Human Rights Council.

My delegation is convinced that the best way to improve the Council's methods and operations is to fully engage in it. In that respect, we should make good use of existing mechanisms such as the Universal Periodic Review. As a comprehensive and non-selective mechanism, the Review is a useful instrument for addressing human rights situations worldwide. Both rigorous and constructive, the Review mechanism has created an environment of equality. It gives us an opportunity to recognize our shortcomings, to share our successful stories and to present solutions. Cooperation, not accusations, should steer the Universal Periodic Review exercise.

We should go even further, we should identify difficulties and make recommendations. The Council should provide solutions and help partners to overcome existing challenges. Member States should create a positive agenda for the Council by seizing the opportunity given to us by the Review mechanism.

Brazil is ready to take concrete measures to assist interested Member States in implementing Universal Periodic Review-related recommendations. We are willing to share our experiences and good practices with interested developing countries through a South-South cooperation initiative. We believe that such an approach could be constructive and play a central role in strengthening the Human Rights Council. In addition, we believe it is necessary to implement the objectives set out in resolution 60/251 and in the institutional package adopted last year.

We should avoid overlapping functions among United Nations bodies so as to ensure that the multilateral human rights system as a whole works in a coherent and efficient manner. In that respect, we continue to regard the plenary of the General Assembly as the adequate locus for the consideration of the report of the Human Rights Council.

We face many challenges to human rights these days. The sentiment of growing intolerance is a serious concern for the Brazilian Government. In a time of increasingly harsh laws on migrants, we should not depart from the commitment to the fundamental values of human rights. That matter should be part of our dialogue with a view to finding mutual understanding and to overcoming those challenges.

We are also living in a particularly serious moment due to the economic and financial crisis. Developing countries suffer the most from the harsh effects of the financial crisis, especially regarding the realization of human rights. We should seek to ensure that developing and least developed countries in particular do not shoulder the burden of a crisis for which they have not been responsible.

Mr. Badji (Senegal) (*spoke in French*): At the outset, I wish to convey my most heartfelt gratitude to the President of the Human Rights Council, Ambassador Martin Ihoeghian Uhomoibhi of the Federal Republic of Nigeria, for the quality of the Council's report (A/63/53) and for the exemplary manner in which he has led that body, whose strengthening is of primary importance to my country.

My delegation is gratified by the consensual formula adopted for the consideration of the report of the Human Rights Council in the plenary session of the General Assembly, which also enabled the Third Committee to consider the recommendations formulated by the Human Rights Council. Although

that compromise is not entirely satisfactory, it is a middle way that could be copied in upcoming years while waiting for the 2010 review of the status of the Human Rights Council.

The consideration of the report of the Human Rights Council, which coincides fortuitously with the celebration of the sixtieth anniversary of the adoption of the Universal Declaration of Human Rights, provides me with the opportunity to reaffirm Senegal's dedication to the principles of the universality, independence and indivisibility of all human rights, which should guide our initiatives and our decisions within the Council.

After just under three years of existence, the Human Rights Council provides us with objective reasons for hope and supports us in our historic choice to remedy the shortcomings of the former Commission on Human Rights by replacing it with a body more adapted to the current international context. The promising results achieved by that young body, which quite rightly inspires both a great deal of hope and high expectations, provide my delegation with objective reasons for satisfaction and support its belief that a bright future awaits the Human Rights Council.

Indeed, the progress achieved by the Council during its three years of existence is all the more significant given that this new body finalized its institutional architecture within the proposed time frame with the convening in August 2008 of the inaugural session of its Advisory Committee.

Better yet, the important resolutions and decisions adopted during the nine regular sessions and seven special sessions, including one devoted in May 2008 to the global food crisis, bear eloquent witness to the dynamism of the Human Rights Council and testify, if there is any need to do so, to the Council's ability to respond to situations that call for its attention and to consider the many thematic issues on its agenda.

The effective launch of the new Universal Periodic Review mechanism is further grounds for the satisfaction and hope of my delegation. That innovative mechanism has just shown that it is possible to consider human rights in an impartial way that is free of all politicization. The diversity of the first 32 States examined within the framework of that mechanism is a satisfying guarantee of the effectiveness of the Universal Periodic Review mechanism.

Members of the Assembly will agree with me that the mechanism will genuinely contribute to the protection and promotion of human rights only if it allows for the establishment of objective, transparent and constructive dialogue between the various stakeholders. It is our responsibility to pool our efforts to achieve that objective, since the smooth functioning of the mechanism will to a large extent determine the credibility of the Human Rights Council.

In fact, the impact of the Universal Periodic Review mechanism will be gauged only following the implementation of the recommendations formulated during those sessions. For that reason, my delegation calls for the allocation of sufficient resources for the fund created to meet the technical assistance needs formulated within the framework of the Universal Periodic Review. Senegal is already preparing to be reviewed in 2009 by the Universal Periodic Review mechanism and is eager to implement the recommendations that will result from it.

The encouraging progress made in the functioning of the Human Rights Council should not lead us to lose sight of the long and arduous road ahead in ensuring that this new body meets our hopes and expectations. The contradictions noted here and there, which reflect the dynamism of our dialogue, must in no way undermine our determination or inhibit our desire to consolidate and strengthen the Human Rights Council. We must continue to seek areas of convergence and to work together to make dialogue and cooperation the basic principles guiding the work of that body and to ensure that justice and dignity for all prevail.

In that respect, Senegal reiterates its support for the rationalization and improvement of the special procedures system, whose contribution to the promotion and protection of human rights is essential. In the same spirit, my delegation calls for prudence in considering the fate of certain mandates so as to ensure that the Council's decisions take into account realities on the ground and the interests of all stakeholders.

In conclusion, I would like to reiterate my delegation's support for the recommendation by the Human Rights Council on the adoption of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, which will undoubtedly contribute to re-establishing the balance between civil

and political rights on the one hand and economic, social and cultural rights on the other.

Mr. Heller (Mexico) (*spoke in Spanish*): My delegation is grateful to the President of the Human Rights Council, the representative of Nigeria in Geneva, for his presentation of the report of the Council to the General Assembly (A/63/53), in keeping with the importance that human rights deserve within the agenda of our Organization.

Mexico is fully committed to the consolidation of the Human Rights Council as the paramount organ entrusted with the promotion and protection of human rights by the Organization. My country played a constructive role in the negotiations in the General Assembly that led to the creation of the Human Rights Council and played an active part in the institutional development of the new organ, with the primary goal of ensuring its effectiveness.

Three years after its creation, the Council has the necessary tools to tackle the essential goal that was entrusted to it. Not only has it set in motion the Universal Periodic Review mechanism, which is without a doubt the most novel and promising tool it has, but it has almost completed the process of review, rationalization and refinement of the special procedure mandates.

At the same time, the Council has upheld the active participation of civil society in its work and has encouraged candidate States to present voluntary pledges and commitments in the field of human rights.

Mexico welcomes the report of the Human Rights Council on its activities, which covers its work from September 2007 to June 2008. Through three ordinary sessions and the same number of special sessions held during the same period, the Council clearly demonstrated the effectiveness of its new instruments. An example of that can be seen in its review of critical situations in various parts of the world, the adoption of several substantive resolutions and the renewal of a number of mandates.

In its task of protecting human rights, the Council, through the Universal Periodic Review mechanism, has analysed the situations of 32 countries from all over the world on equal footing, thanks to a participatory and novel exercise.

Mexico has seen how useful that exercise is at the national level, as it provided for a substantial dialogue on human rights among the relevant actors. My country recently completed the preparation of its national report, which was presented yesterday to the Office of the High Commissioner for Human Rights and which will be reviewed by the Universal Periodic Review mechanism in February 2009. Our report was elaborated on the basis of a comprehensive and broad-ranging process that involved the legislative and judicial branches, 29 departments of the Mexican Government and consultations with civil society.

This year, the Council continued to carry out its important standard-setting activities. The adoption of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights is a historical step in the progressive development of international human rights law. As we declared earlier in our statement to the Third Committee, the adoption of that instrument by the General Assembly will give a new dimension to economic, social and cultural rights and will thus finally place them on the same level as civil and political rights.

Mexico promotes the effective coordination of work between the General Assembly, in particular the Third Committee, and the Human Rights Council, in order to avoid overlapping and ensure specialization. We urge all countries to actively participate in that effort. We appeal to the international community, in the light of the upcoming review of the work of the Council in 2011, to redouble its efforts to further strengthen that organ and elevate its status within our Organization. The Human Rights Council is destined to play a significant and relevant role in the promotion and protection of human rights throughout the world.

Mr. Edrees (Egypt) (*spoke in Arabic*): I would like at the outset to express our appreciation for the statement by the President of the Human Rights Council before the General Assembly, which comes following his valuable statement in the Third Committee this past week at the opening of the general debate on the report of the Council. The Third Committee is the negotiating and expert technical arm of the General Assembly on all issues related to human rights and international human rights law, within a framework that includes all Member States of the Organization.

I wish to reiterate in that regard that we went along with the ad hoc compromise agreement reached in the General Committee to consider the report both in

a plenary meeting of the General Assembly and in the Third Committee. We did so on the understanding that the Third Committee will consider and act upon all the Human Rights Council's recommendations to the General Assembly, including those dealing with the development of international law in the field of human rights, without prejudice to the right of Member States to present draft resolutions and decisions in the General Assembly or the Third Committee on any issue contained in the report.

Indeed, the establishment of the Human Rights Council, as a subsidiary organ of the General Assembly, has ushered in the dawn of a new and long-awaited era of joint action, with no politicization, selectivity or double standards. The Council has contributed to establishing a setting that is favourable to overcoming the obstacles that shackled international efforts aimed at consolidating universal respect for human rights and fundamental freedoms in the past. That was made possible by unifying standards and adopting a constructive, cooperative approach in dealing with human rights questions. Such an approach rests on the provision of advice and necessary technical and financial support upon the request of national Governments, in the light of their responsibility to promote and protect the human rights of all their citizens. The 2005 World Summit Outcome laid down that foundation, which was more recently reinforced by the launch of the Universal Periodic Review.

Undoubtedly, the coincidence of the discussion of the Council's report this year with the celebration of the 60th anniversary of the Universal Declaration of Human Rights represents an important occasion to reiterate the lofty principles and international standards that we all agreed to on the basis of our unified collective efforts. It is also a reminder of our commitment, in accordance with the United Nations Charter and the relevant international instruments, to work towards consolidating universal respect for human rights for all, without distinction and without shifting attention to certain aspects of human rights to the detriment of others.

Egypt welcomes the progress achieved in the practical implementation of the institutional framework laid down in the Council this past year, in addition to the positive development in reviewing the mandates of the special procedures, the elaboration of mechanisms to deal with complaints and the establishment of the Forum on Minority Issues. In addition, Egypt, as a current member of the Council, is keen to support the Council's ongoing efforts to fulfil our common aspirations on the basis of the complementarity between the roles of national institutions and the international community, on the one hand, and of additional human rights mechanisms, on the other.

Our mutual desire to promote human rights throughout the world and to make them common denominators among all societies requires that we commit ourselves to applying the fledgling Universal Periodic Review to all States, on an equal footing and without exception, within a constructive interactive framework and with the participation of non-governmental organizations and all segments of civil society. We must also confront with firm resolve the tendency of a few to presume to be the world's custodians of human rights on the basis of the flawed assumption — which has no substantive grounds — that their values, cultures, legal and social justice systems and human rights standards are superior to those of others. That also means preserving the existing institutional balance among the main United Nations organs when addressing human rights issues.

Mr. Yáñez-Barnuevo (Spain), Vice-President, took the Chair.

Furthermore, we must thwart attempts to circumvent the mandate of the Human Rights Council through the submission of country-specific resolutions — which can only lead to confrontation and discord — and to create structures parallel to the Council by, for example, unnecessarily extending the authority of the Office of the United Nations High Commissioner for Human Rights beyond its mandate or by giving individuals in the offices of United Nations developmental programmes responsibility for monitoring the human rights situations in developing countries, in contravention of the principle of equality in monitoring human rights situations in all countries, whether developing or developed.

Thus, we should work together with the United Nations system to strengthen early warning capacities, relying on authenticated and non-politicized information, and strengthen the cooperation of States with the fact-finding missions established by the Council to investigate gross human rights violations, particularly those committed against peoples under foreign occupation and in conflict situations. The international community's efforts to achieve universal

respect for human and peoples' rights will not succeed unless we completely reject selectivity, politicization and double standards when addressing human and peoples' rights, in particular the inalienable right to self-determination.

In that context, it is imperative that the Council remain committed to ensuring respect for human rights in the occupied Palestinian territories and to verifying full compliance by Israel with its international obligations, including its commitment to cooperate fully with the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967 and the Council's fact-finding missions to investigate gross human rights violations. That includes allowing the required field visits to take place — the most recent of which was the high-level fact-finding mission led by Bishop Desmond Tutu to investigate the tragic events that had taken place in Beit Hanoun — as well as following the recommendations subsequently adopted by the Council. In that regard, Egypt supports the Human Rights Council's recommendation that the General Assembly consider the mission's report with the participation of mission participants. The report on Beit Hanoun should be considered in a special meeting of the General Assembly.

Therefore, the financial resources necessary for all Council activities should be made available and the activities of the Office of the High Commissioner for Human Rights should be supported so that it can provide the necessary technical assistance and consultation to Member States, assisting them in the area of capacity-building in order to achieve complementarity between the role of the Commission and that of the Council and between the role of the international community and that of national Governments.

Clearly, the adoption of the Optional Protocol to the International Convention on Economic, Social and Cultural Rights, at the recommendation of the Human Rights Council and following its adoption in the Third Committee, represents an important step in restoring an equal international balance and focus on all aspects of human rights, together with civil and political rights, and fulfilling the common aspirations of peoples throughout the world to exercise the right to development, a fundamental right that is profoundly related to all other rights. We hope that that important step will strengthen efforts to bridge the gap between North and South and thus create improved living conditions that will contribute to the promotion of human rights both for individuals and for communities. We hope that it will also strengthen efforts to combat all forms of discrimination throughout the world, whether on the basis of race, gender, language or religion, within the framework of the follow-up to our mutual commitments under the Durban Declaration and Programme of Action, in particular with regard to discrimination against women, national, ethnic, religious and linguistic minorities, migrants and other groups facing varying degrees of marginalization in their societies. In our efforts to that end, we must avoid any conditionalities that seek to impose on others controversial ideas that do not take into account the differing social, cultural and value systems of various societies or to link such ideas and concepts to development assistance and programmes.

Finally, Egypt hopes that our collective efforts to strengthen the cooperative approach that the international community has taken in addressing all human rights issues, based on mutual respect and within a framework of commitment to equal rights and obligations, compliance with the principles of international law and complementarity between international human rights law and international humanitarian law, will enable the Human Rights Council to fully play the role to which it aspires and send the lofty message for which it was created, in a manner that will strengthen our joint quest to consolidate universal respect for the human rights of all, without any exception.

Ms. Banks (New Zealand): New Zealand joins others in expressing its appreciation to Ambassador Uhomoibhi for his report on the second cycle of the Human Rights Council (A/63/53). We also thank Ambassador Costea for his work as former President of the Council. New Zealand wishes to see the Council live up to its mandate and reach its full potential to respond quickly and effectively to human rights situations, while promoting open, inclusive dialogue and cooperation with concerned countries.

The Council can help States to effectively address gaps between the standards embodied in the core human rights treaties and the everyday realities that individuals face. As a demonstration of its commitment to human rights, New Zealand is standing for election to the Human Rights Council next year, and we hope to be the first member of the body from the Pacific region.

The Council provides an opportunity to focus on innovation and the exchange of effective practices in the implementation of human rights. The report on the second cycle illustrates the Council's evolving capacity to implement its promotion and protection mandate. Building on the foundations laid in the institution-building package adopted only last year, the Council has seen an important consolidation of its institutions and mechanisms, in particular the renewal of mandates under its system of special procedures, including those on specific human rights situations, and the commencement of the Universal Periodic Review (UPR).

Review and assessment are critical elements in the effective implementation of human rights. In that regard, New Zealand very much welcomes the establishment of the UPR. We hope that an overarching and regular review of every country through the UPR, in addition to the more comprehensive and specific reporting processes of the treaty bodies, will help reduce that gap between policy and practice. In New Zealand, we are currently examining our own human rights performance in preparation for participating in the UPR next year and have recently completed a round of domestic consultations on our own report.

It is only over time that we will all see the true results of the UPR. However, our initial view is that the UPR has great potential. We are encouraged by the evolution in the scope of the recommendations that have emerged from the first two sessions. We urge States to remain committed to the process through the implementation of those recommendations.

The exchange of effective practices and the identification of capacity-building and technical assistance needs are essential to the UPR process. For New Zealand, a Pacific nation, we expect the UPR to facilitate dialogue with our Pacific neighbours on human rights. Earlier this year, we were pleased to assist the Kingdom of Tonga to prepare its UPR report, and in support of the UPR, New Zealand will host a seminar in early 2009 for Pacific countries to exchange views on the UPR and to engage in capacity-building.

There are many positive developments in the Council's working methods and, as with any new body, the Council's working methods will continue to evolve as it establishes routine practices and learns to manage its workload. We welcome the increased transparency of sessions, including the use of webcasting, and are encouraged by the increasingly open negotiation of resolutions.

However, New Zealand is concerned at the increasing pressures on small delegations that can undermine their effective participation in the Council and its working groups. At this juncture, we look to the Council to consider a more predictable and manageable work programme, to address the proliferation of meetings and to identify ways to consolidate the wealth of information it processes through its regular and special sessions.

We urge the Council to move towards a clear and predictable annual programme of work. We encourage further work to be done to make more effective use of meeting time for working groups, the streamlining of texts and a renewed focus on the implementation, rather than on mere restatement, of agreed standards.

New Zealand believes the Council can contribute to development and security through the effective implementation of human rights. If we are elected to the Council next year, we shall contribute, to the best of our ability, to the realization of this objective in a constructive, fair and open manner.

The Council must not let debate on difficult human rights issues undermine progress on the broad agenda of human rights, where cooperation and consensus have been the norm and where we can and must improve the standard of implementation.

We look to the Council to provide leadership in effective practices to promote and protect human rights at the national level, including with respect to the management of competing priorities in implementing and reporting on human rights obligations. And we all together look to delegations to focus on the implementation of the standards we have agreed in the past 60 years, which are comprehensive, robust and universal.

Mr. Christian (Ghana): At the outset, my delegation wishes to express its appreciation to the Ambassador Uhomoibhi, President of the Human Rights Council, for his statement to the General Assembly.

As a member of the Human Rights Council, we are pleased to note that one year after its adoption, the Council's institution-building package has now moved into the operational phase of its various mechanisms, including the Universal Periodic Review (UPR).

It is also gratifying to recall that the first group of 32 States, including Ghana, was reviewed under that review mechanism. It is our view that this process has been a worthwhile innovation that is designed to address the obstacles to the full promotion and protection of human rights and to assist in strengthening States' capacity to implement human rights commitments and contributions through dialogue and cooperation, with a view towards the prevention of human rights violations.

When Ghana was reviewed in May 2008, its delegation used the occasion to brief the Council on measures the Government had taken to make Ghana a more tolerant society, including through increased respect for the rule of law, the strides it had made towards democratic rule, and reforms introduced to nurture a human rights culture to improve, inter alia, the lives of children, women and the marginalized segments of society. It also addressed the Council on efforts to address social and traditional mindsets that lead to human rights abuses and poverty and steps taken to make cooperation between State institutions and civil society groups more productive.

Our delegation also outlined the challenges facing the Government, particularly in the promotion of economic and social rights, including the areas of education, health and employment, and accepted most of the recommendations of the UPR Working Group. The Government is committed to ensuring the implementation of these recommendations.

Ghana attaches great importance to the UPR mechanism and believes that it provides an effective means for achieving progress towards greater responsibility for human rights. Within this context, it is worth noting the important lessons that can be drawn from the first sessions of the review exercise, including the need for States making recommendations to take into consideration the constitutional developments and cultural specificities of the States under review.

It is also necessary for the Council to abide by the guiding principles set out in the institution-building text to ensure universality, transparency, objectivity and non-selectiveness in the consideration of human rights matters. Such an approach will prevent the selective and discriminatory practices that discredited the former Commission, ensure the credibility of the Council and strengthen the degree of commitment by States.

In order to maintain the cooperative spirit achieved in the initial reviews, we advise the Council to avoid subtle attempts to pressure States to report on the implementation of the recommendations of the UPR prior to the completion of the four-year period stipulated in the institution-building package. In this regard, the Council's work programme should promote only the voluntary reporting by States of the commitments they have undertaken during the review prior to the scheduled four-year cycle.

It is our view that, even though the institution-building process was completed in the Council's second cycle, which ended in June 2008, and despite the fact that the implementation phase has commenced with the third cycle which began in September 2008, the Council's work can benefit from the fine-tuning of its work programme to facilitate the smooth functioning of its working methods.

It is our expectation that the UPR will develop into a meaningful mechanism complementing other activities of the Council related to country situations and to bring real added value to its work.

The Human Rights Council has made appreciable progress. However, it remains crucial for the Council to continue to fulfil effectively its mandate and address and prevent situations of human rights violations worldwide. Ghana pledges to work with all stakeholders to create a strong, effective and efficient body capable of promoting and protecting human rights and fundamental freedoms for all.

Mr. Carmon (Israel): It is with dismay and disappointment that I address this gathering of the General Assembly. Today, we consider the second report of the Human Rights Council (A/63/53 and Add.1), a report that reflects how far the Council has drifted from its founding principles of impartiality, universality, non-selectivity and objectivity.

Sometimes tragedy is not just the pain we suffer, but the opportunities we miss. And today's report is a clear demonstration of the opportunities missed by the Human Rights Council and, may I say, by the international community as a whole. We all witness a United Nations human rights body targeting Israel in an obsessive and discriminatory fashion. We can only watch in disbelief as the Council ignores human rights abuses around the world while offering silence at best and praise at worst to some of the world's most ruthless, abusive dictators.

Since we considered last year's report, the Human Rights Council has adopted a series of seven resolutions condemning Israel. No other country among the other 191 members of the United Nations is the target of such negative and unreasoned attention. Each pronouncement against Israel lacks any semblance of objectivity — objectivity that the Council is supposedly based upon. Furthermore, this past year witnessed another one-sided special session against Israel, bringing the total number of special sessions targeting Israel to four. That is more than the number of all other special sessions combined. Certain members of the Council appear intoxicated with the automatic majority they enjoy as they abuse the Council's procedures and mechanisms.

As we consider today's report (A/63/53 and Add.1), I call upon each and every member of the General Assembly to pause for a moment and, in a spirit of honesty, ask himself or herself why Israel receives such disparate treatment. Is the Council's behaviour towards Israel truly about combating human rights abuses in the world? Or is this treatment a reflection of the political dynamics of the Council and of the larger United Nations community? The answer to those questions is very clear.

As a democracy, Israel does not seek to hide its human rights performance, nor should any other State. In fact, Israel is proud of its efforts to uphold the founding principles of the United Nations and to engage in constructive debates and dialogues. Yet Israel will not sit idly by and acquiesce as the Human Rights Council eschews the principles of balance and fairness. Israel will not remain silent as the Council prejudges the outcome of its findings and determines in advance Israel's culpability in a cynical and methodical manner.

While the one-sided resolutions and special sessions that target Israel are grave cause for concern for the credibility of the Council, the institutional framework established against Israel by the Council threatens its very integrity and legitimacy. Israel is the subject of the Council's only country-specific agenda item. The continued obsession with Israel serves to divert the attention of the Human Rights Council from legitimate human rights abuses around the world, and such politicization of the human rights agenda demonstrates the Council's commitment to political point-scoring, rather than to the real protection of human rights.

Furthermore, the Council clings to the mandate of the Special Rapporteur on the situation of human rights in the Palestinian territories. That mandate presumes Israeli violations and precludes the Special Rapporteur from discussing honestly human rights in a holistic and impartial manner. Palestinian terrorism that deliberately targets Israeli civilians thus receives immunity. How can the Special Rapporteur claim, for example, to act in the name of human rights when his mandate systematically prohibits the discussion of indiscriminate Qassam rocket attacks on the civilians of Sderot and Ashkelon? How can the Special Rapporteur claim to uphold universal values of human rights when he remains deafeningly silent as Hamas violates the most basic human rights of its own people?

Compounding that unbalanced mandate is the fact that, despite the requirement of the constitutive document that established the Human Rights Council, the Special Rapporteur's mandate has not been reviewed or scrutinized for over 15 years since its creation in 1993. The absence of any review is not for lack of opportunity, as the mandate was scheduled to be reviewed in March and September of this year. Yet on both occasions, the Council evaded its duty. Even the Special Rapporteur himself publicly called for the mandate to be reviewed and updated.

There are millions of people across the world who live under the yoke of oppression and who cry out for the protection of the Human Rights Council. The Council itself was created to hear those pleas, to offer a brighter alternative to the world's most disenfranchised, but for political reasons the Council's obsession with Israel stands in the way of its true potential.

The report we consider today reflects a Human Rights Council that continues to fail to uphold the basic standards of human rights in an impartial, universal, non-selective and objective manner. In a year when the world is celebrating the sixtieth anniversary of the Universal Declaration of Human Rights, the work of the Human Rights Council casts a dark shadow on the commitment of the international community to the true principles of human rights.

Mr. Malginov (Russian Federation) (*spoke in Russian*): We wish to convey our gratitude to Ambassador Martin Uhomoibhi, President of the Human Rights Council, for having presented his report (A/63/53 and Add.1).

The creation of the Human Rights Council was an important stage in the ongoing reform of the United Nations. We are convinced that the transformation of the main intergovernmental human rights body of the United Nations system from a functional commission of the Economic and Social Council into a subsidiary body of the General Assembly was a significant step towards recognizing the importance of human rights issues and their rightful place among the Organization's priorities. We believe that, in the course of the upcoming review of the Council's activities, there will be a need to systematically assess the strengths and weaknesses of the Human Rights Council's Special Procedures and mechanisms in order to adopt the necessary decisions on changing or clarifying the status, mandate, composition, agenda and programme of work of that body.

It is very important that the process of analysing the early results of the Council's work should begin now, in the year of the sixtieth anniversary of the adoption of the Universal Declaration of Human Rights, when all of us are thinking about how to make the United Nations human rights mechanism more effective and responsive to the needs of all the peoples of the world and all individuals.

In our view, one of the most important functions that the Council is called upon to undertake in compliance with the provisions of resolution 60/251, is the Universal Periodic Review of the human rights situation in States Members of the United Nations. Russia backed the creation of that procedure in the hope that such a review on an equal and mutually respectful basis would help to lessen confrontation in intergovernmental cooperation on human rights.

We are convinced that, in the future, the Universal Periodic Review will have to fully replace the seriously discredited practice of introducing one-sided and politicized country-specific resolutions on human rights situations in individual States. At the same time, we reaffirm the need to strictly comply with existing intergovernmental agreements on modalities for conducting the Review, including on the issue of including various categories of participants in the process.

One of the most important instruments through which the Human Rights Council discharges its mandate is the system of Specialized Procedures inherited by the Council from the Commission on Human Rights. Unfortunately, along with their clear benefits, the Specialized Procedures also possess a number of shortcomings that have been legitimately criticized.

In that respect, it is with satisfaction that we note that, during the two years since the creation of the Human Rights Council, that system underwent a process of critical re-thinking and was institutionalized. An important outcome of that process was the bringing of the main human rights monitoring activities into line with the parameters of the Council's mandate. The functioning of human rights mechanisms is now evolving towards depoliticization. A guarantee of that was the adoption of the Code of Conduct for Special Procedures upon the initiative of member States in the sixty-second session of the General Assembly. We cherish the hope that the further development of that system will continue in the same direction.

The institutionalization of the Human Rights Council was accompanied by the establishment of new forms of relations between Governments and civil society, without which the Council would not be in a position to fulfil its potential. The Russian Federation hopes that the basis for the Council's interaction with human rights non-governmental organizations will be the principles of mutual responsibility and constructive dialogue.

The Russian Federation supports initiatives aimed at a more active participation of the Human Rights Council in reviewing the main areas of activity of the Office of the High Commissioner for Human Rights, including issues related to planning, implementing and rationalizing leading programmes at the global, regional and country levels. We are convinced that cooperation between the Council and the Office must be transparent and provide clear reciprocity.

With regard to better Office and Council management, we also believe that the same principles should be enforced as those that were enforced between the Office and the former Commission on Human Rights, including accountability. We base that opinion on the fact that the provisions of resolution 48/141, especially the section concerning the Commission's mandate, are by analogy applied to the mandate of the Council. More generally, the final objective of those efforts and cooperation must be to avoid duplication of efforts between all the

components of the United Nations system in the field of human rights, which in turn should not compete with each other but complement each other.

The Vienna Declaration and Programme of Action reaffirmed the principle of the equality of all human rights and their interrelation, interdependence and mutual complementarity. In that respect, we would like to again urge the Human Rights Council to devote equal attention in its activities to all categories of human rights, norms and standards. We are convinced that that principle must be fundamental in determining the priorities and programmes of work of the Council in the near and long-term future.

We believe that the Council should devote additional attention to a number of other conceptual issues, including the intercivilizational and intercultural element in the activities of the United Nations overall. We find it quite justifiable that the leading intergovernmental human rights body should address the issue of the relationship and impact of human rights, norms and standards on traditional values. We are convinced that universal standards in the field of human rights should draw their inspiration from various civilizations and the cultural and historical traditions of various societies. That is what unites us rather than divides us in our commitment to human rights, and we believe that a sound basis for such an approach was established by the Council's special session in March of this year.

The Human Rights Council is only at the very first stage of its institutionalization. Whether it meets the hopes and faith placed in it depends largely on us, the Member States. A guarantee of success will lie in our readiness to listen to each other, to take into account and respect other's views and to implement the decisions that we ourselves have adopted. We urge Member States and representatives of civil society to bear that in mind in order to turn the Human Rights Council into a genuinely effective and efficient body.

Mr. Pak Tok Hun (Democratic People's Republic of Korea): The international community established the Human Rights Council as a new organ in the hope that it would deal with the human rights issues of every country on an equal footing, through constructive dialogue and cooperation, discarding the shortcomings of its predecessor body, the Commission on Human Rights, in which confrontation, politicization, selectivity and double standards were rampant.

It was with that vision in mind that the Universal Periodic Review mechanism, now operational within the Council, was established. The Democratic People's Republic of Korea, like many other countries, expected that the Universal Periodic Review mechanism process would develop into a meaningful mechanism, doing away with controversial country-specific resolutions.

However, the Council fails to meet the expectations of a vast majority of Member States by repeating the same mistakes of selectivity and double standards that paralysed the work of the former Commission on Human Rights. It has become apparent that a growing number of countries are opposed to politically motivated country-specific resolutions, which have nothing to do with the promotion and protection of human rights but seek to incite distrust and confrontation among States.

The Democratic People's Republic of Korea has always been opposed to country-specific resolutions, which are used only for the political purposes of certain countries or groups of countries. Regrettably, however, a stereotypical resolution on our country was adopted by the Council at its seventh session this past March, in defiance of the repeated calls by a large number of member States to discontinue the adoption of country-specific resolutions.

My delegation resolutely rejects resolution 7/15, contained in the report of the Human Rights Council as contradictory to the mission, purposes and methods of work of the Human Rights Council. The adoption of such a resolution is the most vivid manifestation of the act of politicization, selectivity and double standards. The resolution is close to paralysing the Universal Periodic Review mechanism of the Council, the function of which is to handle human rights situations in all countries on an equal footing, as the resolution calls for retaining the post of special rapporteur for an individual country, a vestige of the already defunct Human Rights Commission.

The Democratic People's Republic of Korea respects international human rights bodies and attaches importance to their activities. However, it does not and cannot accept any sort of discriminatory treatment whatsoever by human rights organs. The resolution will only succeed in obstructing cooperation between the Democratic People's Republic of Korea and the

Human Rights Council and aggravating the mistrust and confrontation between them. The sponsors of the resolution will be held fully accountable for all the unpredictable consequences.

The future of the Human Rights Council will depend on how it can meet the expectations of States in terms of non-politicization, impartiality and non-selectivity in its activities. The Democratic People's Republic of Korea will continue to firmly guarantee the fundamental freedoms and rights of its citizens, both legally and in practice, on the basis of the people-centred Juche idea, and will make active contributions to the promotion and protection of human rights worldwide.

Mr. Soler Torrijos (Panama) (*spoke in Spanish*): At the outset, I would like to thank the President of the Human Rights Council for his introduction of the Council's report to the General Assembly (A/63/53 and Add.1). We think that it is very important to continue reviewing the performance of the Council within the Assembly. The Charter of this Organization requires that its Members promote respect for human rights and fundamental freedoms without discrimination as to race, gender, language or religion. Along with all States Members of the United Nations, Panama undertook that obligation and reiterates its firm commitment to it.

In our view, the Human Rights Council is the multilateral forum that, par excellence, must concern itself with infringements of human rights, including serious and systematic violations, as well as making recommendations in that respect. Panama believes that, rather than punishing human rights violations, constructive dialogue and cooperation must take precedence, so as to prevent those violations. Although the principal responsibility lies with the Human Rights Council, in order to guarantee the effectiveness of its recommendations it is necessary to incorporate human rights into the general activities of the United Nations system and achieve their effective coordination.

It is crucial that the Human Rights Council avoid excessive politicization and favouring interests extraneous to the promotion and protection of human rights, which damaged the credibility of its predecessor, the Commission on Human Rights. In its work, the Council must be guided by the principles of universality, impartiality, objectivity and non-selectivity. In that regard, Panama is concerned by proposals aimed at weakening or eliminating the Special Procedures that could undermine the Council's ability to function effectively and independently. We encourage the members of that body to use the review of the Special Procedures to strengthen the system so that it is better equipped to support the Council in the protection of human rights.

Despite criticism of the Universal Periodic Review, my delegation should like to highlight some valuable practices in exercising the Review. In particular, we underscore the positive and novel practice of involving public and private actors in preparing the report of each State. We emphasize that high-level officials and experts in various fields of human rights have contributed to the Review of Member States. In our opinion, that reflects the importance and seriousness that Member States attribute to that exercise. Similarly, we welcome the Council's decision to assign the necessary funds for its execution, a step that will guarantee the impartiality of that Review.

We hope that the Human Rights Council will continue to develop in the near future. As Member States, we have the responsibility to ensure that that is the case. It is still a young body. Its successful development for the good of all the world's inhabitants depends on our cooperation.

The Acting President (*spoke in Spanish*): We have heard the last speaker in the debate on this item.

The Assembly has thus concluded this stage of its consideration of agenda item 58 without prejudice to subsequent consideration of the report of the Third Committee on the same subject.

The meeting rose at 12.25 p.m.